

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alan John Kingsman *et al.*
U.S. Appln. No. : 09/915,169
U.S. Filing Date : July 25, 2001
Title of Invention : RETROVIRAL VECTORS
Patent No. : 6,669,936
Issued : December 30, 2003
Examiner : Dave T. Nguyen
Art Unit : 1632

745 Fifth Avenue
New York, NY 10151

FILED VIA EFS
ON AUGUST 6, 2008

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is requested that a Certificate of Correction be issued in the above-entitled patent in accordance with the accompanying form PTO 1050. Please make the following changes:

IN THE CLAIMS:

Column 13, Claim 9 line 43

9. A method for expressing a gene of interest comprising introducing a gene of interest into a cell by contacting said cell with the retroviral vector particle of "claim 2" --claim 3--.

Column 13, Claim 11 line 57

11. A retroviral vector production system for producing infection and transduction competent, lentivirus-based vector particle according to claim 2, which system comprises nucleic acid sequence(s) encoding the genome of the vector particle, gag, pol, and an envelope protein, or the genome of the vector particle, gag, "poi" --pol--, an envelope protein, and comprising one or more RRE-type sequences, wherein all functional lentiviral auxiliary proteins are absent from the retroviral particle.

Column 15, Claim 36 line 26

26. The method of "claim" --claim 30-- wherein the coexpressing is of: a first DNA construct which encodes the genome of the vector particles, a second DNA construct which encodes gag and pol proteins, and a third DNA construct which encodes the envelope protein.

Column 15, Claim 37 line 34

37. The method of claim 31 wherein the coexpressing is of: a first DNA construct which encodes the genome of the vector particles, a second DNA construct which encodes gag and "poi" --pol-- proteins, and a third DNA construct which encodes the envelope protein, wherein one of the DNA constructs optionally comprises one or more RRE-type sequences.

Column 15, Claim 39 line 40

39. The method of "claims 31" --claim 31-- wherein the coexpressing includes expressing a DNA construct which encodes gag and pol proteins independent of auxiliary genes.

Column 15, Claim 46 line 56

46. The method of "claim 29" --claim 43-- wherein the promoter is a non-retroviral promoter.

Column 15, Claim 47 line 58

47. The method of “claim 30” --claim 44-- wherein the promoter is a non-retroviral promoter.

Column 15, Claim 48 line 60

48. The method of “claim 31” --claim 45-- wherein the promoter is a non-retroviral promoter.

Column 16, Claim 56 line 34

56. Isolated nucleic acid sequence(s) encoding the components of the infection and transduction competent, lentivirus-based, replication defective vector particle as claimed in claim 1 or 2 comprising construct(s) which encode the genome of the vector particle, gag and “poi” -- pol-- proteins, and an envelope protein, wherein all functional auxiliary gene products are absent from the retroviral vector particle.

Column 18, Claim 69 line 5

69. Isolated nucleic acid sequence(s) encoding the components of the infection and transduction competent, lentivirus-based vector particle of claim 2, consisting essentially of construct(s) which encode(s) the RNA genome of the vector particle, gag and pol proteins, and an envelope protein, wherein the construct(s) comprises one or more “RLRIE-type” --RRE-type- - sequences.

Column 18, Claim 75 line 30

75. The isolated nucleic acid sequence(s) according to “claim 57 or 67” --claim 57 or 69--, wherein all genes encoding lentiviral auxiliary gene products are absent from or disrupted in the sequence(s) and not functionally expressed in producer cells.

REMARKS

Since the errors to be corrected are in part Applicants' errors, enclosed is payment of \$100.00 for the fee as required under 37 C.F.R. § 1.20(a). A completed Form PTO 1050 is enclosed. The Commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 50-0320.

Applicants note that the following errors are attributable to the Office:

Column 13, Claim 9 line 43
Column 13, Claim 11 line 57
Column 15, Claim 36 line 26
Column 15, Claim 37 line 34
Column 16, Claim 56 line 34
Column 18, Claim 69 line 5
Column 18, Claim 75 line 30

Applicants draw attention to the Preliminary Amendment filed July 25, 2001 and the Amendment and Response to Office Action filed March 25, 2003 to support Applicants' assertion that the errors are indeed attributable to the Office.

Applicants also point out that the following error is of Applicants' mistake, but constitutes a typographical error:

Column 15, Claim 39 line 40

The correction requires changing "claims" from plural form to singular form and does not constitute new matter or require reexamination.

Finally, Applicants assert that the following errors are of Applicants' mistakes but are of minor character:

Column 15, Claim 46 line 56
Column 15, Claim 47 line 58
Column 15, Claim 48 line 60

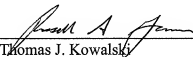
In accordance with MPEP § 1481, the requested changes do not materially affect the scope or meaning of the patent, as the changes are being requested merely to perfect antecedent basis of the term "promoter" in claims 46, 47, and 48. Applicants submit that claims 46, 47, and 48 were fully evaluated by the Examiner and their patentability would not be altered by modifying their claim dependency. Thus, the correction would not constitute new matter or require reexamination.

Accordingly, Applicants respectfully request that the Director issue a certificate of correction to correct the errors cited herein.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Thomas J. Kowalski

Reg. No. 32,147

Anne-Marie C. Yvon

Reg. No. 52,390

Russell A. Garman

Reg. No. 62,419

Tel: (212) 588-0800

Fax: (212) 588-0500

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

Page 1 of 2

PATENT NO. : 6,669,936
 APPLICATION NO. : 09/915,169
 ISSUE DATE : December 30, 2003
 INVENTOR(S) : Alan John Kingsman
 Susan Mary Kingsman
 Narry Kim
 Kyriacos Mitrophanous

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

IN THE CLAIMS:

Column 13, Claim 9 line 43

9. A method for expressing a gene of interest comprising introducing a gene of interest into a cell by contacting said cell with the retroviral vector particle of "claim 2" --claim 3--.

Column 13, Claim 11 line 57

11. A retroviral vector production system for producing infection and transduction competent, lentivirus-based vector particle according to claim 2, which system comprises nucleic acid sequence(s) encoding the genome of the vector particle, gag, pol, and an envelope protein, or the genome of the vector particle, gag, "poi" --pol--, an envelope protein, and comprising one or more RRE-type sequences, wherein all functional lentiviral auxiliary proteins are absent from the retroviral particle.

Column 15, Claim 36 line 26

26. The method of "claim" --claim 30-- wherein the coexpressing is of: a first DNA construct which encodes the genome of the vector particles, a second DNA construct which encodes gag and pol proteins, and a third DNA construct which encodes the envelope protein.

Column 15, Claim 37 line 34

37. The method of claim 31 wherein the coexpressing is of: a first DNA construct which encodes the genome of the vector particles, a second DNA construct which encodes gag and "poi" --pol-- proteins, and a third DNA construct which encodes the envelope protein, wherein one of the DNA constructs optionally comprises one or more RRE-type sequences.

Column 15, Claim 39 line 40

39. The method of "claims 31" --claim 31-- wherein the coexpressing includes expressing a DNA construct which encodes gag and pol proteins independent of auxiliary genes.

Column 15, Claim 46 line 56

46. The method of "claim 29" --claim 43-- wherein the promoter is a non-retroviral promoter.

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

00571773

Column 15, Claim 47 line 58

47. The method of "claim 30" --claim 44-- wherein the promoter is a non-retroviral promoter.

Column 15, Claim 48 line 60

48. The method of "claim 31" --claim 45-- wherein the promoter is a non-retroviral promoter.

Column 16, Claim 56 line 34

56. Isolated nucleic acid sequence(s) encoding the components of the infection and transduction competent, lentivirus-based, replication defective vector particle as claimed in claim 1 or 2 comprising construct(s) which encode the genome of the vector particle, gag and "poi" --pol-- proteins, and an envelope protein, wherein all functional auxiliary gene products are absent from the retroviral vector particle.

Column 18, Claim 69 line 5

69. Isolated nucleic acid sequence(s) encoding the components of the infection and transduction competent, lentivirus-based vector particle of claim 2, consisting essentially of construct(s) which encode(s) the RNA genome of the vector particle, gag and pol proteins, and an envelope protein, wherein the construct(s) comprises one or more "RLRIE-type" --RRE-type-- sequences.

Column 18, Claim 75 line 30

75. The isolated nucleic acid sequence(s) according to "claim 57 or 67" --claim 57 or 69--, wherein all genes encoding lentiviral auxiliary gene products are absent from or disrupted in the sequence(s) and not functionally expressed in producer cells.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Thomas J. Kowalski, Esq.
Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.